

ATTACHMENT - Remarks

In the following remarks, the issues are addressed in the order in which they were raised in the Office Action.

Specification

Guidelines illustrating the preferred layout for the specification have been suggested for the applicant's use.

The amendment to the specification submitted herewith adds suitable section headings as suggested.

Claim Rejections – 35 U.S.C. 112

Claims 1-4, 6-7, 11-14, and 16 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. A number of specific issues with the identified claims have been identified on pages 3 and 4 of the Office Action,

It is respectfully submitted that the amendments to the claims submitted herewith address each of the specific issues, and, accordingly, withdrawal of the rejection of claims 1-4, 6-7, 11-14, and 16 under 35 U.S.C. 112, second paragraph, is respectfully requested.

Claim Rejections – 35 U.S.C. 101

Claims 1 and 14 have been rejected under 35 U.S.C. 101 "because the claimed invention is directed to non-statutory subject matter." This rejection is respectfully traversed, but independent claims 1 and 14 have been amended to clarify the statutory nature of the subject matter recited therein.

Independent claim 1, and the claims that depend therefrom, have been amended to recite “a method” (i.e., a process). Further, the discreet steps of the method recited therein have been amended to clarify the structural limitations (e.g., an access control module device, a transmission center, a descrambling terminal) to which the method is tied.

Independent claim 14, and the claim that depends therefrom, have been amended to recite “an access control module device.”

It is respectfully submitted that amended independent claims 1 and 14, and the claims that depend therefrom, clearly recite statutory subject matter, and the withdrawal of the rejection thereof under 35 U.S.C. 101 is respectfully requested.

Claim Rejections – 35 U.S.C. 103

Claims 1 – 16 have been rejected under 35 U.S.C. 103 as being unpatentable over Candelore (U.S. Patent No. 6,697,489 B1) (“Candelore”). This rejection is respectfully traversed.

Claim 1

Claim 1, as amended, recites a method for entering, disabling/erasing scrambled data access rights transmitted from a transmission center to at least one descrambling terminal to which is linked an access control module device equipped with a security processor, the method including, *inter alia*,

forming any access right entered in said access control module device as a set of independent variables and linked variables comprising at least, in addition to an access right identification variable, an entered access right action date variable and a status variable which can have one of three encoded values signifying access right enabled, access right disabled, access right erased,

transmitting from said transmission center to each descrambling terminal and to the access control module device linked to said method at least one access right management message, said message comprising at least, in addition to an entered access right identification variable, an action date variable and a status assignment variable, the encoded value corresponding to an enabled access right, a disabled access right or an erased access right; and on receipt of said access right management message, at said access control module,

assigning said action date to the entered access right corresponding to the access right identification variable of said access right management message.

Advantageously, the subject invention improves prior art conditional access systems by making safe the access rights against replay procedures/operations of EMM messages and, thus, allows secured operations of change or erasure. As recited, the date of the update of the access right (i.e., the “entered access right action date variable”) and its enabled/disabled/erased state (i.e., the “status variable”) are stored in a memory of the access control module device. The checking of an operation of update and its authorization are done by comparing the action date of the stored object to the action date of the EMM and the state of the stored object.

In contrast, Candelore relates to a method for securing control words (e.g., control words transmitted in ECM messages), including receiving an encrypted control word in a descrambler integrated circuit, and decrypting the control word using a key stored in a register circuit of the descrambler integrated circuit. See: abstract.

It is acknowledged in the Office Action that “Candelore does not explicitly disclose forming any access right entered in said access control module as a set of independent variables and linked variables comprising at least, in addition to an access right identification variable, an entered access right action date variable and a status

variable” However, it is alleged in the Office Action that Candelore does disclose, “access requirements for the program are compared to the entitlements ... entitlements may state that the conditional access unit is entitled to view content ... entitlements may also include one or more keys ... entitlements also may define the time periods for which the conditional access unit may descramble programs [column 4 lines 50-65];” and “the Service Key may be valid for a certain period of time [column 8 lines 66-67].” From this it is concluded that it would have been obvious to include “assigning said action date to the entered access right corresponding to the access right identification variable of said access right management message ... for the purpose of providing access control for subscriber content.” This contention is respectfully traversed.

First, it is noted that Candelore does not contain a teaching or a suggestion of forming an access right entered in an access control module device as a set of independent variables and linked variables, much less the access right action date variable and the status variable (access right enabled/disabled/erased) recited in amended claim 1. In this regard, it is respectfully submitted that there is no direct correspondence between the cited passages of Candelore and the claims of the present invention, as Candelore is directed at an entirely different objective.

Next, with respect to the access right action date variable, it is respectfully submitted that the “validity time” disclosed in Candelore is not a teaching or a suggestion of an access right action date variable because a “period of validity” is different from a date that an “access right action is taken” and is used in an entirely different manner.

Still further, the “service key” described in Candelore (col. 8, lines 66-67) does not correspond to the “status variable of the access right,” but, rather, corresponds to a prior art “operation key.” It is also further noted that such a prior art “operation key” is specifically recited in the preamble of amended claim 1, which further distinguishes it from the “status variable of the access right” that is recited in body of amended claim 1.

Thus, it is respectfully submitted that amended claim 1 is allowable over Candelore for at least the reasons described above.

However, it is also alleged in the Office Action that Candelore discloses “transmitting from said transmission center to each descrambling terminal and to the access control module linked to the latter at least one access right management message, said message comprising at least, in addition to an entered access right identification variable, an action date variable and a status assignment variable, the encoded value corresponding to an enabled access right, a disabled access right or an erased access right; and on receipt of said access right management message, at said access control module,” at col. 3, line 67 – col. 4, line 6. This contention is also respectfully traversed.

It is respectfully submitted that the cited passages of Candelore do not contain a teaching or a suggestion of an encoded value corresponding to an enabled access right, a disabled access right or an erased access right, much less a status assignment variable transmitted in an access right management message from a transmission center to descrambling terminals / access control modules.

With respect to “assigning said action date to the entered access right corresponding to the access right identification variable of said access right

management message,” as recited in amended claim 1, it is respectfully submitted, as discussed above, that the “validity period” disclosed in Candelore is not a teaching or suggestion of the “action date” recited in amended claim 1. Correspondingly, the “validity period” of Candelore is not “assigned to an entered access right corresponding to the access right identification variable of the access right management message,” as recited in amended claim 1.

Still further, it is alleged in the Office Action that Candelore discloses “allocating said status assignment variable corresponding to an enabled access right, a disabled access right or an erased access right to said status variable of said corresponding entered access right ... [column 4, lines 62-65].” This contention is also respectfully traversed.

In column 4, lines 62-65, Candelore discloses that “[t]he access requirements and entitlements thus form a part of the access control system to determine whether a decoder is authorized to view a particular program.” It is respectfully submitted that this is not a teaching or suggestion of allocating a status assignment variable corresponding to an enabled access right, a disabled access right or an erased access right to the status variable of the corresponding entered access right, as recited in amended claim 1.

Thus, it is respectfully submitted that amended claim 1 is allowable over Candelore.

Claims 2 – 13

Claims 2 – 13 depend from amended independent claim 1 and, therefore, are allowable for at least the reasons provided in support of the allowability of amended independent claim 1.

Claims 14-15

As amended, independent claim 14 recites an access control module device controlling access to scrambled data transmitted from a transmission center to at least one descrambling terminal to which is linked said access control module device, including, *inter alia*, entered in the memory of this access control module, at least one access right formed by a set of independent variables and of linked variables, comprising at least, in addition to an entered access right identification variable and a validity dates variable, an entered access right action date variable and a status variable having one of three encoded values signifying access right enabled, access right disabled or access right erased.

It is acknowledged in the Office Action that “Candelore does not explicitly disclose, ... entered in the memory of this access control module, at least one access right formed by a set of independent variables and of linked variables, comprising at least, in addition to an entered access right identification variable and a validity dates variable, an entered access right action date variable and a status variable that can have one of three encoded values signifying access right enabled, access right disabled or access right erased.” However, it is alleged that Candelore does disclose “ ... receiving an encrypted control word in the descrambler integrated circuit, decrypting the encrypted control word using a key stored in a register circuit of the descrambler

integrated circuit, and descrambling the scrambled digital content in the descrambler integrated circuit using the decrypted control word [column 3 lines 10-20].” From this it is concluded that it would have been obvious to include “ ... characterized in that it comprises, entered in the memory of this access control module, at least one access right formed by a set of independent variables and of linked variables, comprising at least, in addition to an entered access right identification variable and a validity dates variable, an entered access right action date variable and a status variable that can have one of three encoded values signifying access right enabled, access right disabled or access right erased, ... for the purposes of providing access control for subscriber content.” This contention is respectfully traversed.

First, it is respectfully submitted that the cited passage from Candelore does not provide a basis for concluding that it would have been obvious to include the subject matter of claim 14, even prior to its amendment, in the invention as disclosed by Candelore “for the purposes of providing access control for subscriber content,” since Candelore already provided such access control even without the allegedly obvious modification thereof.

As discussed above with respect to amended independent claim 1, Candelore does not contain a teaching or a suggestion of forming an access right entered in an access control module device as a set of independent variables and linked variables, much less the access right action date variable and the status variable (access right enabled/disabled/erased) recited in the claim. Also, with respect to the access right action date variable, it is respectfully submitted that the “validity time” disclosed in

Candelore is not a teaching or a suggestion of an access right action date variable as recited.

Accordingly, favorable reconsideration and withdrawal of the rejection of now amended claim 14 are respectfully requested.

Claim 15 depends from amended claim 14 and is allowable for at least the reasons provided in support of the allowability of amended claim 14.

Conclusion

In light of the Amendments and Remarks, favorable reconsideration of this application as amended is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicants' undersigned representative at the address and phone number indicated below.

END OF REMARKS

Respectfully submitted,

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